

REMARKS

Claims 1-23 are pending in the present application. Claims 1-3, 6, 7, 13, 14 and 21-23 stand rejected and Claims 4, 5, 8-12 and 15-20 have been allowed. Claims 1, 2, 6, 14, 19 and 22 have been amended herein and new Claims 24-28 have been added herein. Reconsideration is respectfully requested in light of the present amendments and following remarks. The above amendments and following remarks are believed to be fully responsive to the outstanding Office Action and to render all claims at issue patentably distinct over the references cited.

Rejection Under §112

The Examiner has rejected Claims 1-4, 6, 7, 13, 14 and 21-23 under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed. Notwithstanding, the noted claims have been revised as suggested by the Examiner. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Rejection Under §102

The Examiner has rejected Claims 1, 2 and 22 under 35 U.S.C. §102(e) as allegedly being anticipated by Just et al. (U.S. Patent No. 6,443,517). This rejection is respectfully traversed. It is believed that the originally filed claims are patentably distinct over the cited reference. Notwithstanding, Claim 1 has been amended to state that the panel includes a generally flat wall aligned on a generally vertical plane which extends generally between a vehicular floor and beltline. Support for this amendment can be found in the originally filed Figures 3 and 4, and the accompanying text.

In contrast, Just does not disclose a generally vertical panel, with a generally flat section, extending essentially from the vehicular floor to the beltline. These differences are significant and lead to very different functions. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Rejections under §103

Claim 3 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Just et al. in view of Wolf et al. (U.S. Patent No. 5,881,458). Claim 21 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Just et al. in view of Okada et al. (U.S. Patent No. 6,454,344), and further in view of the 2001 Ford Mustang convertible reference. Claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Just et al. in view of Neubrand (U.S. Patent No. 6,217,104). These rejections are respectfully traversed. It is believed that the originally filed claims are patentably distinct over the cited references. The Examiner appears to be improperly using hindsight reasoning in combining the wide assortment of unrelated references, given the benefit of the present invention. There is no suggestion or motivation in the references to make these combinations. Notwithstanding, these rejections are deemed moot in light of the amendment to the base independent claim. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

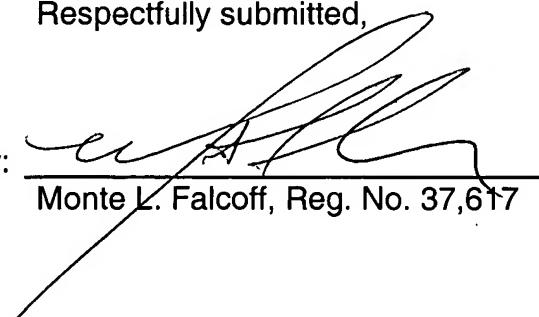
In view of the instant amendments, it is submitted that the present application is in condition for allowance. Accordingly, it is requested that the Examiner pass the case to issue at his earliest convenience.

Respectfully submitted,

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